

**Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, November 2, 2009
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agendas/**

4:00 PM - ROOM B-8

The Deputy City Clerk recessed the 4:00 PM portion of the meeting to 5:00 PM due to an anticipated lack of quorum.

CALL TO ORDER - 5:01 PM.

ROLL CALL

Present:	Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
Absent:	None

ANNOUNCEMENT OF LATE COMMUNICATION PERTAINING TO CLOSED SESSION ITEMS
- None.

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3 Minute Time Limit) -
None.

RECESS TO CLOSED SESSION - 5:03 PM

A motion was made by Coerper, second Green to recess to Closed Session. The motion carried by the following roll call vote:

AYES:	Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES:	None

CLOSED SESSION

1. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Parks Legal Defense Fund v. The City of Huntington Beach; Orange County Superior Court Case No. 30-2008-00051261-CU-PT-CXC. This action arises out of allegations of violations of the California Environmental Quality Act ("CEQA"), violations of the City General Plan and the Quimby Act.

2. Pursuant to Government Code § 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Catherine Denise Cranford v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 30-2008-001106397. Plaintiff, a former supervisor in the City's jail, has sued the City alleging violation of her right to privacy in releasing confidential medical information and has sued the City and another jail supervisor alleging sexual harassment and retaliation based on her sexual orientation.

3. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; and Bob Wingenroth, Director of Finance, regarding labor negotiations with MEO, MEA, PMA, HBPOA, HBFA, FMA, MSOA, SCLEA, and Non-Associated.

4. Pursuant to Government Code Section 54956.8, the City Council recessed into Closed Session to give instructions concerning price and terms of payment to the City's Negotiators, City Administrator Fred Wilson and Deputy City Administrator Bob Hall, regarding negotiations with the Huntington Beach City School District for the purchase or exchange of up to 10.12 acres of real property located at 20451 Cramer Lane in Huntington Beach and the purchase, sale or exchange of APN 114-150-94 in the City of Huntington Beach.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Bohr reconvened the regular meeting of the City Council/Redevelopment Agency at 6:03 PM.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

Present: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
Absent: None

PLEDGE OF ALLEGIANCE - Led by Councilmember Hansen.

INVOCATION - Led by Reverend Allison English.

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced the following late communications received by her office following the distribution of the City Council agenda packet:

Thirty-eight communications from the public regarding the update to Specific Plan No. 5 - Downtown Specific Plan (DTSP).

Communication from the Director of Planning dated November 2, 2009, entitled *Downtown Specific Plan/EIR No. 08-001: Supplemental Errata Pages & Revised Section*.

COMMUNICATIONS RECEIVED DURING THE MEETING

Communication submitted by Robert Sternberg - Letter from Huntington Beach Tomorrow dated October 26, 2009 regarding the Downtown Specific Plan (DTSP) Update.

Communication submitted by Richard Plummer entitled *Residents and Businesses Partnership* undated, regarding the Downtown Specific Plan (DTSP) Update.

Two separate communications submitted by Mike Adams, both dated November 2, 2009 and titled *Downtown Specific Plan Updated (dated 6/12/2009)*.

Packet of information submitted by David Rice, undated, and untitled.

Spiral bound drawings submitted by David Salkowitz, Landscape Architect representing the Huntington Beach Downtown Residents Association, dated October 6, 2009 and titled *Downtown Library Gardens Concept Plan*.

AWARDS AND PRESENTATIONS

Announcement - Mayor Bohr invited Don MacAllister of the Centennial Celebration Committee to talk about the Centennial Month of Celebrating 100 Years of Community Based Organizations. Mr. MacAllister announced the "Old Fashioned Picnic in the Park" event.

Presentation - Mayor Bohr invited Don MacAllister, president of the HB Council on Aging, to update the City Council on their 2009 activities and present a check for \$22,000 to support a part-time social worker. Mr. MacAllister made a brief PowerPoint presentation regarding the Council's activities which have included various Wii competitions and updated services on behalf of Huntington Beach senior citizens.

Presentation - Mayor Bohr invited Orange County Transportation Authority (OCTA) Chief Executive Officer Will Kempton to come forward and introduce himself to the City Council. Mr. Kempton made a PowerPoint presentation regarding the OCTA's program participants, various services, and support activities.

Presentation - Mayor Bohr invited Orange County Human Relations Commissioner Ken Inouye to come forward and provide the annual report for the Commission. Mr. Inouye noted their tracking of hate crime activities, mediation services, youth violence prevention programs, summer leadership internships, the "Walk in My Shoes" symposiums, and the Hate Crime Victim Assistance group. He also thanked the City Council for their support of the Commission's activities and presented the Mayor with a certificate of appreciation.

PUBLIC COMMENTS (3 Minute Time Limit)

(The number following the speaker's comments reflects the approximate point in the archived video located at <http://www.surfcity-hb.org/government/agendas>).

Margie Buntin, Golden West College, thanked Mayor Pro Tem Green for placing the Casino Night item on the agenda requesting that the City Attorney draft a resolution in support of non-profit organizations hosting "Casino Night" fundraisers in compliance with state-issued permits. (00:19:02)

Jack Lamely, Chairman of the 2009 Scouting for Food Program, presented a PowerPoint slideshow featuring the Saturday, November 14, 9:00 - 3:00 PM event at Albertson's Markets and noted that its purpose was to collect food donations to benefit Second Harvest of Orange County. (00:20:00)

Robert Dettloff, on behalf of the Support Our Seniors organization, thanked the City Council for their support of the organization and the new senior center construction. (00:22:04)

David Rice, resident, spoke regarding the Downtown Specific Plan Update and noted that he would like to be included in the process. He mentioned several items including: 1) placing limits on the building height of structures (in the area west of 5th St., east of 3rd St., east of Main St., and North of Orange), 2) placing reasonable limits on the issuance of alcohol permits, and 3) the prohibition of alcohol sales and business activities between 7pm and 7am in residentially adjacent zones. (00:23:00)

Dan Kalmick, resident, requested that the City Council not pursue the retrial of the "senior center in the park" matter. He also noted that another pending litigation, involving Poseidon, could potentially set adverse precedent for the City of Huntington Beach. (00:27:02)

Joe Shaw spoke regarding sustainability of the Downtown area and the necessity of appropriately evaluating the public safety levels and neighborhood elements required to keep the environment "community-friendly." (00:28:45)

CITY ADMINISTRATOR'S REPORT - None.

CITY TREASURER'S REPORT

1. (City Council) Reviewed and accepted Shari L. Freidenrich, City Treasurer's Investment Summary Report of City Investment Portfolio, Bond Proceeds, Deferred Compensation, and Retiree Medical Trust Activity for September 2009.

Ms. Freidenrich noted that the PowerPoint presentation was available on-line as well as in the City Council agenda packet.

A motion was made by Green, second Carchio to review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for September 2009, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES:	Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES:	None

COUNCIL COMMITTEE / APPOINTMENTS / LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Councilmember Coerper attended a recognition event for the Orangewood Center. He also announced an upcoming "Support Our Troops" Event on November 7, 2009.

Councilmember Dwyer reported on his participation on the CAC committee (Transportation

Authority) and their evaluation of upcoming reduction in services. He noted there will be a meeting on March 12, 2010 where public comments will be taken regarding the proposed reductions.

Councilmember Carchio attended the State Water Project Inspection Trip of the California State Water Project, and encouraged community members to participate.

THE FOLLOWING ITEMS WERE HEARD OUT OF THEIR ORIGINAL AGENDA ORDER

CONSENT CALENDAR - (Items #3 through #4)

3. (City Council/Redevelopment Agency) Approved and adopted minutes.

Councilmember Hardy noted her abstention from this item.

A motion was made by Green, second Carchio to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of October 19, 2009, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES:	Carchio, Dwyer, Green, Bohr, Coerper, and Hansen
NOES:	None
ABSTAIN:	Hardy

4. (City Council) Approved and authorized the Mayor and City Clerk to execute a three (3) year Professional Services Contract with Test America Laboratories, Inc. in an amount not to exceed \$120,000 per year, for Water Quality Analysis and Sampling Services.

A motion was made by Green, second Carchio to approve and authorize the Mayor and City Clerk to execute the "Professional Services Contract between the City of Huntington Beach and Test America Laboratories, Inc." for Water Quality Analysis and Sampling. The motion carried by the following roll call vote:

AYES:	Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES:	None

ORDINANCES FOR INTRODUCTION

5. (City Council) Approved for introduction Ordinance No. 3846 deleting Section 7.12.050 (animals prohibited in food handling premises) of the Huntington Beach Municipal Code (HBMC) which regulates live animals in the servicing and dining areas of a food facility.

A motion was made by Green, second Hardy to After City Clerk reads by title, approve for introduction Ordinance No. 3846, "An Ordinance of the City of Huntington Beach Amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to Animal Care and Control." The motion carried by the following roll call vote:

AYES:	Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES:	None

ORDINANCES FOR ADOPTION

6. (City Council) Adopted Ordinance No. 3845 amending Chapter 222 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) relating to the Floodplain Overlay District, bringing the City's flood ordinance into compliance with Federal Emergency Management Agency (FEMA) requirements. Approved for introduction October 19, 2009.

A motion was made by Coerper, second Green to after City Clerk reads by title, adopt Ordinance No. 3845, "An Ordinance of the City of Huntington Beach Amending Chapter 222 of the Huntington Beach Zoning and Subdivision Ordinance Relating to the Floodplain Overlay District (-FP1, -FP2, -FP3)." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

COUNCILMEMBER ITEMS

7. (City Council) Submitted by Mayor Pro Tem Cathy Green - Direct City Attorney to draft an ordinance permitting non-profit organizations to hold a casino night fundraiser if they are properly permitted by the state.

Mayor Pro Tem Green provided a brief overview of the item. She noted a recent court case which allows casino night fundraisers under certain conditions.

In response to Councilmember Coerper, the Police Chief noted the need to formalize the Ordinance in the municipal code.

A motion was made by Green, second Hardy to direct the City Attorney to draft an ordinance allowing non-profit organizations to hold a "casino night" fundraiser if they are properly permitted by the state. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

PUBLIC HEARING

2. (City Council) Public Hearing held to consider adoption of Resolution No. 2009-60 certifying the final Environmental Impact Report (EIR) No. 08-001; Resolution No. 2009-61 approving Zoning Text Amendment No. 08-004; Resolution No. 2009-62 approving General Plan Amendment No. 08-007; and, Resolution No. 2009-63 approving Local Coastal Program Amendment No. 08-002 to update Specific Plan No. 5 - Downtown Specific Plan (DTSP).

Director of Planning Scott Hess and the project team provided a review of the Downtown Specific Plan Update process. A PowerPoint presentation was made which included slides entitled: City Council Goals and Objectives, Community Outreach and Public Input (June '07 - Oct. '09), Requests (Entitlements), Planning Commission Actions, Environmental Impact Review (EIR) - Appeal, EIR - Summary of Project Impacts (including alternatives), Final EIR, EIR Appeal (traffic, parking, and notification), Project Overview (codified requirements and guidelines and strategies), Planning Commission approved modifications, Final Recommended Changes to Planning Commission approved modifications, Final Recommended Changes to

Planning Commission approved DTSP Update, and Recommendations for the City Council (certify EIR No. 08-001, approve General Plan Amendment No. 08-007, Local Coastal Program Amendment No. 08-002, and Zoning Test Amendment No. 08-002, approve CEQA findings of fact and a statement of overriding considerations - EIR No. 08-001).

In response to Mayor Pro Tem Green, staff confirmed various existing square foot footprints for average block sizes.

In response to Councilmember Hardy, staff provided an overview of associated Downtown plans and their expiration dates. The original Downtown Specific Plan was completed in 1983 and the last update in 1995. The Downtown Parking Plan was completed in 2000. Staff noted that the 1983 Environment Impact Report (EIR) recommended traffic mitigation measures that have all been implemented.

Mayor Bohr opened the public hearing.

(The number following the speaker's comments reflect the approximate point in the archived video located at <http://www.surfcity-hb.org/government/agendas>).

David Rice, Appellant, representing Huntington Beach Residents for a Balanced Downtown (HBR4BDT), expressed his group's concerns with the proposed DTSP. These concerns included: "holes" in the EIR and support data, the need to protect Downtown residents' interests, a desire to "slow down" the DTSP process to ensure that it is the right plan for everyone, and the method and radius to which notifications were sent to the public. In regard to the notifications, Mr. Rice mentioned that Downtown parking also impacts alternate parking lots such as those at the library and sports complex. Further, he noted that the plan fails to address the need for increased police services. (01:18:38)

In response to a Council inquiry, staff remarked that they published notices in the newspaper, posted at locations within the project area, and mailed to residents within an one-thousand foot radius of Downtown. Notices were also provided to the high school and First Christian Church.

In response to Councilmember Hansen, Mr. Rice noted that he advocated a "common sense" approach and stated that the notifications were written in complicated, hard-to-understand language. He also mentioned that as development rises, the need for Police services rises commensurately, however, the plan does not specify the need for additional police services.

In response to Councilmember Carchio, Mr. Rice explained that the majority of downtown residents did not understand the Downtown Specific Plan.

Kirk Nason, HBR4BDT and resident of 1st block of 11th St., spoke in favor of permitted parking and marked parking starting at Pacific Coast Highway and going up to Palm St., and potentially up to Main St. Mr. Nason mentioned various traffic and safety impacts including: encroachment on neighborhoods, intoxicated individuals, and increases in crime. He further mentioned that he moved to the Downtown area to avoid using cars, walk to the beach, and enjoy the neighborhood. He also requested that any new development in the Downtown area meet LEED level sustainability goals. (01:39:05)

Darrell Younger, resident of the 100 block of 10th street, has lived Downtown for over 15 years. He expressed that the Downtown Specific Plan is too ambitious and is concerned it does not adequately address public safety. (01:42:13)

Mary Nason, HBR4BDT, spoke in opposition to additional bars in the Downtown area and referenced her own "studies," where she observed intoxicated individuals urinating on residential property and "passing out" on lawns. She expressed concern that Police dispatchers are not properly addressing these issues in the community. (01:43:37)

David Salkowitz, HBDRA, resident of 415 Town Square Lane, mentioned he has lived in the Downtown area for over 15 years and that he is a landscape architect by profession. He suggested a "concept plan" for Downtown as an alternative to the library site, which would feature community outdoor spaces. Mr. Salkowitz expressed concerns that additional density will impact open space areas and prohibit the existing passive land to serve as a "buffer zone" between the Downtown and residential districts. (01:46:47)

Eileen Murphy, downtown resident for twenty years, requested that the Council unite and back the Planning Commission's decision to save Triangle Park and the Downtown Library. (01:49:52)

Mike Adams, Planning Consultant, noted that he is working with Downtown area residents. He mentioned that he had submitted handouts for the Council's review. Mr. Adams spoke about three distinct areas in District One that he believed should be separately considered: 1) the area north of Orange along Main is a different type of commercial, 2) whether or not to allow sides of 3rd and 5th street to do commercial on the first floor, and 3) keeping the buildings on 3rd and 5th as to allow front end parking and expand the parking on Main St. Last, he requested the Council consider a transit center, multi-modal transportation, and bathroom facilities in District 7. (01:50:23)

In response to Councilmember Dwyer, Mr. Adams noted that parking demands are not during prime business hours. He suggested lowering the requirements for business needs, since they are not draining the parking supply, and allow them to get in under the standards proposed.

Gary Pope, 11th Street resident, expressed concerns that the DTSP does not include a marketing plan, tools, or methodologies for expanding economic vitality in the Downtown area. Mr. Pope stressed that the prevailing parcels are already "built out" and that limited public parking serves as a constraint for development. (01:54:35)

Kim Kramer, spokesperson for the Downtown Residents Association, supports the preservation of Triangle Park and the Main Street Library. He expressed concern that a Floor Area Ratio (FAR) of .60, as recommended by staff, would facilitate the destruction of historical buildings. Mr. Kramer suggested if a FAR of above .30 was approved, a caveat should be included prohibiting the destruction of historical buildings. He further mentioned adding language that would allow for a 99-seat theatre. (01:58:20)

Gloria Alvarez, HBDRA, stated adding language regarding 99-seat theatre may help the Huntington Beach playhouse, but ultimately, the decision should come from the Department of Library Services, and the Library Board. Additional square footage for a theatre, if needed, can be considered by the Planning Commission through the entitlement process, and a Measure C vote would not be required to do this. She stated that the HBDRA had been advised that

someone may present pictures of homeless individuals and dogs urinating at Triangle Park to suggest that the open space is not valued by downtown residents. (02:01:41)

Dan Kalmick, resident of North East Huntington Beach, expressed the DTSP affects the entire City. He noted the process began with a desire for a performing arts venue at the end of Main St., and as of yet, this matter has not been discussed at any community meetings, even though it was made clear this is what the Downtown citizens and the rest of the community want. He supports the Planning Commission's recommendations for the DTSP and to maintain the park and library in its current state. (02:05:00)

Blair Farley, speaking as a citizen of Huntington Beach, noted that residents do not feel like they are being heard when it comes to input on the DTSP. He stated the Planning Commission "heard" the voice of the people, took the economic plan from the 1995 award-winning DTSP and created a compromise solution that was acceptable to residents, could preserve the character of the Downtown area, and could still address problem areas like traffic, parking, and density. (02:06:42)

Paul Berandou, resident, spoke about his love for living in Huntington Beach. He noted that the DTSP was confusing and citizens depend on elected officials to preserve the character of the community. Last, he mentioned the Council should support a plan that manages traffic, parking, safety, and the ability to walk in the Downtown area. (02:09:40)

Evelyn Bernadou, resident of California Street, noted her support for the HB residents for a Balanced Downtown and the HB Downtown Residents Association. She expressed five areas of concern regarding the DTSP and requested the Council not approve the plan until the following matters were addressed: 1) the lack of a notification process to all Huntington Beach residents, 2) failure to properly address safety as related to increased density 3) density matters and the confusion generated by revisions, 4) residents want to maintain a village concept and not create an urban village, and 5) various safety concerns related to public intoxication, graffiti, trespassing, and other crimes. (02:12:53)

Kim Holmes, forty-six year resident, spoke in favor of saving the Downtown Library and Triangle Park. (02:16:16)

Richardson Gray, Townsquare Condominiums, mentioned that 150 residents spoke before Planning Commission, 300 residents sent in written letters, 6,000 residents signed petitions to save the Library and Triangle Park, and only 1 person spoke in support of and 1 email sent in support of the proposed downtown plan. He noted the current plan is only supported by a few City leaders. Mr. Gray requested the Council reinstate the requirement that any new development parking at Triangle Park be constructed underground, and that the City should ensure that proper public notice be given for the December DTSP input meeting. (02:16:56)

Cindy Lillis, read a letter on behalf of a nine year old girl named "Kayla." In the letter, Kayla expressed her love for the Main Street Library and stated that she has finished over fifty books and is concerned that the proposed plan will increase the noise in her Downtown neighborhood. She requested the Council not take the Library away. (02:20:24)

Paula Lillis, resident, supports the preservation of Triangle Park and the Main Street Library. She is in favor of Huntington Beach's small town environment in a big city picture. In addition,

she mentioned the residents and the patrons of downtown, and the Supreme Donut Shop, like to watch the beach activity everyday and a parking structure will limit their view. (02:22:16)

Ron McLin spoke in support of the Planning Commission's recommendations and requested downsizing the DTSP so that it fits safely within the community. He expressed favor for the "village" concept which would support the Huntington Beach lifestyle. The proposed DTSP will double and triple the size of downtown. Mr. McLin mentioned the confusing notification process and that police services were not adequately addressed in the plan. (02:24:23)

In response to Councilmember Hansen, Mr. McLin noted that he has a downtown business with a full liquor license.

Robert Sternberg, Huntington Beach Tomorrow, spoke in support of the Planning Commission's recommendations for the DTSP and noted his organization's participation in the DTSP process from its inception. He mentioned that a new plan should support a standard that encourages tourism while limiting the impact on residents or the environment. Mr. Sternberg mentioned other projects, such as the Pacific City project, which integrated well with adjoining uses. He supports a "village concept" for District One and that the DTSP plan as proposed does not provide appropriate justification for increasing densities and heights. Last, he mentioned the Council should remove and mitigate any provisions that impact residents, environment, cultural arts, and parking that would limit view of the ocean or blufftop. (02:27:53)

Angela Rainsberger, 700 block of Main St., expressed concerns related her belief that proper notification for DTSP related meetings and other planning items, including traffic, parking, bars, building heights, public intoxication, and the lack of public safety services, were not properly addressed. (02:31:03)

In response to Councilmember Carchio, the speaker feels that more people would have gotten involved if they would have been properly notified and the language simplified.

John Scandura, representing the Huntington Beach Planning Commission, thanked staff for the presentation and expressed support for the Planning Commission's modifications. He noted the key issues where staff's recommendations are contrary to the Commission's: 1) on pages 14 - 16, the Commission lowered the FAR to .3 to preserve historical character, 2) District One, Downtown core, staff's recommendation will create traffic and parking impacts, 3) Zoning Administrator approvals for CUP's for alcohol should be handled by the Planning Commission and their night meetings are easier for the public to attend, 4) Planning Commission does not support tandem parking in residential buildings, 5) the increase in density for 50 foot lots in District Four to duplexes and fourplexes do not fit in with the existing buildings. The Planning Commission recommends approval with their changes which would provide a balanced approach. (02:36:00)

Suzanne Hart, 6th Street resident, supports the Planning Commission's recommendations and noted the negative impacts of public intoxication in the Downtown area. She also quoted John Muir in stating, "A property is only safe if it is dollarable." (02:39:04)

Mary Boddy, spoke in favor of the village concept and the preservation of Triangle Park and the Main Street Library. She suggested utilizing the high school for parking and a "contribution-based" ferry or trolley to shuttle people to the Downtown area. She noted the need for

additional parking in Downtown and that people would rather see the ocean than have a large movie theater. (02:39:55)

Matt Nye, resident of 7th street for 20 years, requested Council support the Planning Commission's recommendations. He opposes 4 and 5 story buildings north of Orange St. or demolition of the Library or Triangle Park. Mr. Nye stated the notifications received were confusing and unintelligible to the average person. He suggested the Council print out a copy of tonight's PowerPoint presentation and distribute it to the downtown residents. (02:43:58)

Joe Pearson, Cliff Drive resident, inquired as to who will occupy the proposed units and who will be paying the cost for development in the Downtown area. He opposes a covered parking structure and suggested the Council consider utilizing a street banner system downtown to advertise notice of future meetings on the DTSP. (02:47:03)

Ed Zschoche, resident of the 92646 area, spoke about the Planning Commission's recommendations and how they were based on the public's overwhelming dissatisfaction with the proposed DTSP. The proposed plan does not enhance the quality of life and contradicts the precedent set in the achievements toward a "village" concept. He believes that staff supports the increased revenue that comes from the increase in alcohol purchases. (02:48:28)

Dennis Austin, forty-year resident, requested the Council support a plan that protects the natural resources of the ocean and beachfront. He suggested that a "tipping point" had been reached between the increase in restaurant and bars and the quality of life for residents. Last, he mentioned that the notifications to the community should not just meet legal minimums, but should properly and simply inform the public. (02:52:10)

Richard Kaae, resident, mentioned he did not receive notification of the input meetings and that his neighbors received varying notifications. He stated the parking on Main St. is not sufficient and many people just don't want to pay for parking. Last, he mentioned the increase in traffic and safety impacts to the community due to activities in the Downtown area. (02:55:05)

Steve Daniel, owner of Rocky Mountain Chocolate Factory in the Downtown area, mentioned the various revenues and costs for parking spaces in the Downtown area. He expressed concerns that businesses would be negatively impacted if parking were restructured in the Downtown area. Mr. Daniel further noted that the proposed DTSP is difficult to read and comprehend and suggested the Council take more time to allow for review before voting on the update. (02:57:15)

Karen Heidt, Townsquare condominiums, suggested that staff and elected City officials are driving the recommendations that undermine the Planning Commission's recommendations and the residents' input for the Downtown area. She suggested that the Mayor not recuse himself from voting on this matter because of any business conflicts and that the rest of the Council vote for staff's recommendations. Ms. Heidt stated that residents will not support any elected or appointed official who votes for the proposed DTSP with staff's recommendations. (03:00:25)

Richard Plummer, 11th Street resident, expressed concern that residents in his neighborhood (11th St. and Main St.) are not considered residents of the DTSP's affected area, and were not notified of the input meetings. He mentioned the ad hoc committee went through seven meetings and they were all opposed to the proposed DTSP. Mr. Plummer commented on the

lack of public support and stakeholder support for the plan. In addition, he opposed those who publicly support this plan. (03:03:54)

Mayor Bohr closed the public hearing at 9:12 p.m.

In response to Councilmember Coerper, staff read into the record the notification letter that was sent to the public. Staff mentioned that over 6,000 letters were sent regarding tonight's public hearing alone.

Councilmember Hansen stated that the DTSP update was a special type of issue, not the common type of issue that regularly comes before the Council. The DTSP process is about envisioning the state of the City for the next twenty years. Mr. Hansen remains unconvinced that the 1995 plan properly addressed the various impacts mentioned by tonight's public speakers (public intoxication, traffic, crime) and that he is firm in his belief that the future of development lies in the creation of sustainable communities with mixed-used and transportation-based models.

Councilmember Hansen spoke regarding the City's efforts in notifying the public and that the Council is prohibited from getting too involved in the process. He also addressed the City's current and on-going efforts to mitigate issues outside of the DTSP process including: 1) increasing and accelerating fines to business operators with entertainment permits in the Downtown area who generate repetitive violations, 2) the educational campaign targeted to potential bar owners informing them of uses that are not preferred in the Downtown area, 3) the standardization of permits for entertainment use, 4) issuance of new entertainment permits should be granted to uses that are conducive to operation in a residential area, and 5) the establishment of residential parking permit zones ingressing deeply into the Downtown area. He supports the walkable, sustainable, bikeable communities of the future.

Mayor Pro Tem Green made several inquiries of staff including matters on: 1) Page 132, 3.2.15 (500 square foot dwelling minimums), 2) Page 323, 3.2.21 (residential buffers and minimum setbacks), 3) Page 323, 3.2.25 (revisiting the outdoor sales provisions), 4) Page 325, #7 (safety of proposed outdoor restrooms), and 5) Pages 2-14, staff report (parking standards for various square footages).

Ms. Green discussed her support for a children's theater and a 99-seat community theater with enough square footage to include storage for sets, props, costumes. She inquired as to how these uses could be articulated as to be guaranteed in the plan as future uses. In addition, she inquired as to the District 1 building heights and expressed support for set-backs and various architectural features which gave a "pedestrian" feel to bigger developments. She offered her support for staff's comments on residential tandem parking. Last, she reviewed the maximum density allowed in District 4.

Councilmember Hardy expressed support for tandem parking in residential developments and suggested allowing 40% maximum for these types of buildings. She suggested incentivizing developers for going beyond parking standards in their developments and allowing them 100% tandem parking for any additional spaces created beyond the minimum required.

In response to Mayor Pro Tem Green, staff noted the Coastal Commission's requirements for ratios related to walking distance to street parking in certain scenarios.

Councilmember Coerper noted his meetings with residents and his support for the Planning Commission's recommendations.

Councilmember Dwyer made several suggestions and inquiries regarding District 7 including: 1) adding a recommendation to the DTSP document for tiered parking, and 2) the need for public transit facilities near the beach. Staff responded that a bus facility and bus layover zones were already included in the existing plan, however only to be allowed in existing paved area, not on the sandy beach.

Councilmember Coerper's motion to move forward with the Planning Commission's recommendation failed due to lack of a second.

Councilmember Dwyer inquired as to why the Image Committee's recommendations were not included in tonight's presentation. He noted that their input regarding strengthening drinking laws, entertainment permits, and the Downtown bars in general, could alleviate some of the residents' concerns regarding the negative impacts in the Downtown area. Mr. Dwyer also mentioned Planning Commissioner Scandura's concerns regarding the lack of guidelines for enforcing code violations at different establishments.

The Police Chief mentioned the work of the Image Committee in addressing the increased fines for code violators, meeting with Downtown residents who envisioned the creation of a parking district, and the Committee's work in standardizing entertainment permits.

Councilmember Hardy made several comments regarding the proposed DTSP plan and the historical actions of past Councils. She noted that traffic mitigation measures were implemented and completed as related to the plan adopted twenty-six years ago. She expressed she is not opposed to "polishing" the existing plan and potentially allowing some development in the Downtown area, however, she remains opposed to staff's recommendations as the numbers and densities recommended are "too big."

In addressing other items, Councilmember Hardy expressed that she is in favor of the Planning Commission's recommendations, agrees with residential tandem parking at 40%, her concerns with 1:1 ratio for replacement of parking but not within 350 feet, and allowing outside public access to the proposed library restroom. She mentioned her desire to increase 3rd floor setbacks and would not vote for any development over 4 stories or a provision that would allow for alcohol sales after 10:00 PM weekdays, or 12:00 AM on weekends. In closing, she noted that outdoor sales permits should be handled by the ad hoc committee or the downtown EDC committee.

Councilmember Hardy's motion to deny the EIR failed due to lack of second. She again noted her support for the Planning Commission's recommendations and expressed that the residents and business owners have made their desires known.

In response to inquiries from Councilmember Carchio, staff discussed the various commercial and residential parking requirements. The prepared parking analysis has recommendations that range from remote parking during events, residential permit parking, spaces that will come with additional development, strategies to identify temporary parking, the potential for agreements with existing businesses, and potential increases in bicycle parking.

In response to Councilmember Carchio, staff noted that 1800 more parking spaces will be needed in the future.

Councilmember Carchio expressed concerns over the lack of a proposed marketing plan for the Downtown area and for Huntington Beach overall. Staff responded that Chapter 8, Book 2 of the proposed DTSP outlines Implementation strategies and that the Public Works Department initiates projects that will support these initiatives.

Councilmember Carchio suggested that staff create a notification supplement in simplified language that residents can use to properly understand the DTSP process and recommendations. The key issues Mr. Carchio has observed from the public input and meetings are: 1) need for community theater and increase of tandem parking, 2) the hours of alcohol sales and drinking allowed at various establishments, 3) Downtown residents taking the brunt of the negative Downtown impacts, and 4) preservation of Triangle Park and the Downtown Library. Councilmember Carchio remains in support of the Planning Commission's recommendations.

A motion was made by Hardy to Certify EIR No. 08-001 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 2009-60, "A Resolution of the City Council of the City of Huntington Beach, California, Certifying the Final Environmental Impact Report (SCH #2008011124) for The Downtown Specific Plan Update;" and, Approve Zoning Text Amendment No. 08-004 with modifications as listed in (Attachment No. 7 - PC Straw Vote Modifications) with findings for approval and adopt Resolution No. 2009-61, "A Resolution of the City Council of the City of Huntington Beach approving an amendment to Specific Plan No. 5 - Downtown Specific Plan;" and, Approve General Plan Amendment No. 08-007 and adopt Resolution No. 2009-62, "A Resolution of the City of Huntington Beach Approving General Plan Amendment No. 08-007;" (Exhibit C modified) and, Approve Local Coastal Program Amendment No. 08-002 with findings for approval and adopt Resolution No. 2009-63, "A Resolution of the City of Huntington Beach, CA Adopting Local Coastal Program Amendment No. 08-002 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Amend Zone 4 - Land Use Plan and Accompanying Text of the City's Coastal Element for the Real Property Generally Described as the Downtown Specific Plan Area (Specific Plan No. 5) and to Reflect Zoning Text Amendment No. 08-004 and Requesting Certification by the California Coastal Commission;" (Exhibit B modified) and, Approve CEQA Findings of Fact with a Statement of Overriding Considerations - EIR No. 08-001. Amended by Hardy - 40% Tandem Parking; No outside access to public restrooms; No alcohol after 10:00pm weekdays; 12:00 weekends (Conditions of Approval); Restaurant operation hours - 10:00 PM weekdays; 12:00 weekends The motion failed due to a lack of second.

Mayor Bohr made several suggestions including: 1) no additional bars open until 2:00 AM, 2) restaurants with alcohol permits should be brought before the Zoning Administrator, and those with hours after midnight to be referred to the Planning Commission, 3) the lifting of Downtown development restrictions which prohibited potential investors from pursuing projects, and 4) support of the Planning Commission's recommendations with the exception of the maximum density. Mr. Bohr supports increasing the density to 50 units du/ac to get the City to the new generation of development projects.

A motion was made by Coerper, second Green to accept Planning Commission/Staff Recommendation: Certify EIR No. 08-001 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 2009-60, "A Resolution of the City Council of the City

of Huntington Beach, California, Certifying the Final Environmental Impact Report (SCH #2008011124) for The Downtown Specific Plan Update, **as amended by late communication (EIR Supplemental Errata Pages)**. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

Councilmember Hardy noted her support to have the residents' concerns heard at the highest legislative level, and that her focus was the impacts on traffic and parking. She inquired as to why the City does not have traffic studies that estimate impacts over twenty-five years.

Mayor Pro Tem Green expressed her support that the appellant, David Rice, did attempt to provide adequate documentation, visited each member of the Council, and that the residents paid for the appeal themselves.

Councilmember Carchio remarked that most restaurants start closing at 11:00 PM and have patrons leave at approximately 12:00 AM.

Councilmember Dwyer commented on three areas: 1) parking on the beach, 2) the square footage requirements for the inclusion of a 99-seat theater at the Main Library site, and 3) his desire for a specialty store, such as Bristol Farms, in the Downtown area.

In response to Mayor Pro Tem Green, staff noted that LEED and "Green" certified building practices are required in the DTSP and that it suggests elements that could be utilized to support those efforts.

Discussion ensued among the Councilmembers in regard to floor area ratio (FAR) in relation to the Main Library site and the potential for future development. Issues discussed included the requirements for a 99-seat community theater and how language could be structured as to safeguard the property specifically for that use in the future.

A straw vote motion was made by Green, second Hansen to accept Original Staff Recommendation to Planning Commission (Main Street Library Subdistrict Issue): 0.60 Maximum Floor Area Ratio (equivalent to approximately 24,600 sq. ft.) striking Art Gallery, Cultural Institutions and Museum from permitted uses in subdistrict 1A. The straw vote motion carried by the following roll call vote:

AYES: Dwyer, Green, Bohr, Coerper, and Hansen
NOES: Carchio, and Hardy

Councilmember Hansen expressed strong support for preserving Council's ability to close down Main Street for specific purposes.

A straw vote motion was made by Hansen, second Green to accept Original Staff Recommendation to the Planning Commission (Street Vacations Issue): Continue to allow a provision for City Council to close all or portions of Main Street between PCH and Orange Avenue for use as a pedestrian mall.

In response to Councilmember Coerper's inquiry, staff noted the Planning Commission deleted this provision entirely because of their concerns with the loss of parking on Main Street.

The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

A straw vote motion was made by Hansen, second Bohr to accept Original Staff Recommendation to the Planning Commission (District 1 Density Issue): Maximum Density for District 1 - 50 du/ac maximum for $\geq 25,000$ sq. ft. (site area).

Councilmember Hardy expressed concerns with smaller consolidations that would result in blocks comprised of six-unit projects constructed in a piecemeal fashion. She noted her opposition to increased density in the Downtown area without review of potential traffic impacts.

Mayor Pro Tem Green supported the ability of a developer's creativity in potentially consolidating a large amount of land and noted that the DTSP still requires a minimum of 500 square feet for a residential unit. In addition, parking, setback, and open space requirements would still have to be met.

Councilmember Hardy remarked that staff's recommendation for the DTSP represents too much density for her to provide support to the plan.

The straw vote motion carried by the following roll call vote:

AYES: Dwyer, Green, Bohr, and Hansen
NOES: Carchio, Coerper, and Hardy

In response to Council inquiries, staff discussed various architectural design options that would soften the appearance of density for developments in the Downtown area.

A straw vote motion was made by Coerper, second Hardy to accept PC Modification (District 1 Building Heights Issue): Maximum building Height for District 1 < 25,000 sq. ft. (site area): 35 $\frac{1}{3}$ stories; $\geq 25,000$ sq. ft. (site area): 45 $\frac{1}{4}$ stories. The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Coerper, Hardy, and Hansen
NOES: Bohr

A straw vote motion was made by Hardy, second Green to accept Original Staff Recommendation to the Planning Commission (Districts 1&2, Permitted Uses Issue) as amended by late communication (**Motion A modified: Allow Eating and Drinking Establishments with Alcohol with hours of operation until 11:00 p.m. (Monday-Thursday), and until midnight (Friday-Sunday), subject to a Conditional Use Permit (CUP) from the Zoning Administrator (ZA); and, establishments with alcohol with hours of operation after 11:00 p.m. (Monday-Thursday), and after midnight (Friday-Sunday), subject to a Conditional Use Permit (CUP) from the Planning Commission (PC).**

In response to Council inquiries, staff noted that the times approved would be 11:00 PM Monday through Thursday, and 12:00 AM on Friday through Sunday. Staff further remarked that

these standards would not apply retroactively, and that they would apply to any business that has been "abandoned" for at least 12 months.

The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

In response to Council inquiries, staff noted that offering tandem parking in residential developments is a major efficiency model to achieve parking requirements. Tandem parking would be assigned per unit.

A straw vote motion was made by Hardy, second Green to accept Original Staff Recommendation to the Planning Commission (All Districts Parking Issue): Tandem Parking for multi-family residential uses - maximum of 100% of required parking may be tandem configuration. The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Hardy, and Hansen
NOES: Coerper

Discussion ensued regarding residential units on various lot sizes. Staff confirmed that most projects fall in the 26 - 50 foot range, and occasionally they will see a project at the 37 or 38 foot range.

A straw vote motion was made by Hardy, second Green to accept Original Staff Recommendation to the Planning Commission (District 4 Density Issue): Maximum Density for District 4 - parcels ranging from 26-50 feet in width: 4 dwelling units. The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

Discussion took place by the Council on parking structures above ground.

Councilmember Hardy initiated opposition to being the "first" beach city to try an above ground parking structure in "salt air" to find out that it doesn't work. The Councilmember agreed with this notion. Council further discussed the 1:1 street parking ratio required by the Coastal Commission.

A straw vote motion was made by Carchio, second Hansen to accept Final Staff Recommendation (Main Street Streetscape Issue): Allow removal of parking on Main Street to implement recommended streetscape that calls for wider sidewalks (to 26 feet) subject to replacement of on-street parking at a 1:1 ratio within walking distance prior to removal (reference HBZSO requirement). The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

Council initiated discussion on the lack of safety provisions for an outdoor restroom at the Library site.

A straw vote motion was made by Hardy, second Green to strike Item No. 7) - Public Restrooms on page 3-53 of Book 1 - Downtown Specific Plan No. 5. The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

A straw vote motion was made by Hardy, second Green to strike provision #8 on Page 3-22 of Downtown Specific Plan No. 5, Book 1 (per late communication - DTSP Revised Section 3.2.24.3, Page 3-22). The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

A straw vote motion was made by Hardy, second Green to accept PC Modification (District 1 Building Heights -Upper Story Setback Requirement), upper story set back required on the third and fourth floor. The straw vote motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, Hardy, and Hansen
NOES: None

In response to Councilmember Hardy, staff reviewed the City's in-lieu parking fee program. Staff noted that the overall program needs to be evaluated as there has to be some connection between the timing for when you are paying for a parking space and when that parking space will actually be available for usage. Staff further commentated that the City may want to consider a "two-tiered" approach to parking valuation, and looking at how to meet the City's parking requirements through the use of seasonal lots and hotel-based shuttle systems during peak season.

A straw vote motion was made by Hardy, second Coerper to accept PC Approved Maximum Density Unit Potential in District 1: 35 du/ac; 4 units.

A **substitute motion** was made by Bohr, second Hansen to accept Staff recommendations based on PC Study Sessions) Maximum Density Unit Potential in District 1: 3 Lots or more - 50 du/ac. The substitute motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, and Hansen
NOES: Coerper, and Hardy

Discussion ensued regarding the "Cultural Institution" and preservation of historic structures provisions in the DTSP. Staff noted that "Cultural Institution" would include art galleries and museums and this would be in conflict with Council's earlier action regarding FAR.

Council directed staff to have committees weigh in on the issue of outdoor sales.

A motion was made by Coerper, second Carchio to approve Zoning Text Amendment No. 08-004 with modifications as listed in (Attachment No. 7 - PC Straw Vote Modifications) with findings for approval and adopt Resolution No. 2009-61, "A Resolution of the City Council of the City of Huntington Beach approving an amendment to Specific Plan No. 5 - Downtown Specific

Plan;" and, Approve General Plan Amendment No. 08-007 and adopt Resolution No. 2009-62, "A Resolution of the City of Huntington Beach Approving General Plan Amendment No. 08-007;" (Exhibit C modified) and, Approve Local Coastal Program Amendment No. 08-002 with findings for approval and adopt Resolution No. 2009-63, "A Resolution of the City of Huntington Beach, CA Adopting Local Coastal Program Amendment No. 08-002 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Amend Zone 4 - Land Use Plan and Accompanying Text of the City's Coastal Element for the Real Property Generally Described as the Downtown Specific Plan Area (Specific Plan No. 5) and to Reflect Zoning Text Amendment No. 08-004 and Requesting Certification by the California Coastal Commission;" (Exhibit B modified) and, Approve CEQA Findings of Fact with a Statement of Overriding Considerations - EIR No. 08-001, **as amended by straw vote recommendations and late communication**. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Green, Bohr, Coerper, and Hansen
NOES: Hardy

COUNCILMEMBER COMMENTS (Not Agendized)

Mayor Pro Tem Green thanked staff for their work on this matter.

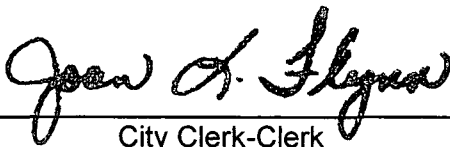
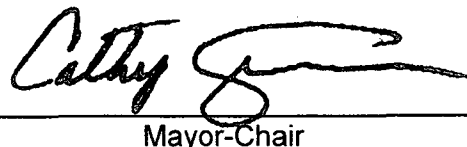
Councilmember Dwyer noted the "Dia De Los Muertos" day.

ADJOURNMENT - Council/Agency adjourned at 12:37 AM, Tuesday, November 3, 2009 to the next regularly scheduled meeting on Monday, November 16, 2009, at 4:00 PM, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:


City Clerk-Clerk
Mayor-Chair